

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 17186 of 2004

Between:

Smt. T. Sundaramma, W/o. T. Ramulu,
R/o. H.No.1-10/28/1, Indira Nagar, Nagarjuna Nagar Colony, Kapra, Keesara
Mandal, Ranga Reddy District.

... PETITIONER

AND

- 1 Kapra Municipality, Rep. by its Commissioner, Kapra, Keesara Mandal, Ranga Reddy District.
- 2 Sri Gopal, S/o. Not Known to the Petitioner,
Nagarjunanagar Colony, Indira Nagar, Kapra, Keesara Mandal, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondent in not taking any action against the illegal construction made by the respondent No.2 and some other persons by encroaching the road on the eastern side of the Petitioner's house situated at H.No.1-18-28/175/1, on Plot No.153 in Survey No.231, Ward No.2, Kapra, Keesara Mandal, R.R. District in pursuant to my representation dated 24-11-2003, as arbitrary, illegal and against the provisions of A.P. Municipalities Act.

Counsel for the Petitioner: MR.SESHADRI GOALLA

Counsel for the Respondent s: MR.THIMMA REDDY

The Court made the following:

ORDER:

The only submission made by the learned counsel for the petitioner is that when petitioner made representations to the first respondent on 21-11-2003 and 24-11-2003 bringing to his notice the illegal construction made by the second respondent and some other persons on the 30 feet road laid near the petitioner's Plot bearing No.153 in Sufvey No.231, Ward No.2 in the limits of Kapra Municipality, so far no action has been taken on the said representation.

2. Having regard to the fact that petitioner already made representations to the first respondent-municipality, it is for the Commissioner to see that such roads shall not be allowed to be encroached. In view of the same, first respondent is hereby directed to consider the said representations of the petitioner and intimate the action taken thereon to him. This order cannot be understood that this Court accepted the plea of the petitioner that the second respondent encroached into the said land. It is for the first respondent to consider the same and pass appropriate orders.

The Writ Petition is accordingly disposed of. No costs.

A.

GOPAL REDDY, J

September 24, 2004

MRR

To:

